

And May be Called to Account.

473

put to death. But what, objects Maitland, of hereditary kings, who obtain the crown by succession, and not by the suffrages of the people? Is it not the case, as the jurists opine, that the people transmitted their power to them, and that their will should therefore be accounted law? Certainly not, replies Buchanan. No free people was ever so infatuated as to prostrate itself to such servitude. Yet, must we take our kings by inheritance and not by choice, is the rejoinder. Whereupon our erudite philosopher enters into an historical disquisition to prove, that though the Scottish kings receive the crown in virtue of hereditary succession they have often been called to account, and even put to death for misgovernment. Nay, for long before the accession, of Kenneth III., who established the sceptre in his own family, the kingly office was elective, not hereditary. Kenneth, he holds, only did so by consent of the people. Even if he obtained the sovereignty by force or fear, which he does not believe was the case, it was not binding on the people. The example of BalSol, displaced in favour of Robert I. for his treachery to the State, goes to prove that the people retained the right to grant or refuse the supreme power. Nay, do not the Scottish kings at their coronation swear to observe the laws, and did not James III. lose his life for their maladministration? The murderers of good kings like James I. were, on the other hand, punished for their violation of the laws.

After again emphasising that no gift is greater than a good king, he broaches the question what is to be done with a wicked king—a king who breaks the laws, and acts as a public enemy, and is therefore a tyrant? Maitland hesitates to give the logical answer, pleads custom and the danger of trying to cure a disease by a desperate remedy, quotes Scripture, tries in short to wriggle away from an unwelcome alternative. To all which Buchanan replies at length, and contends that Paul, whom Maitland quotes, in exhorting to subjection to the temporal power, only commanded obedience to the magistracy, to government as an institution, in opposition to those Christians who denied that the secular government had authority over them. The magistracy, according to the apostle, is an ordinance of God, and therefore Christians are subject to it, although they are the freemen of the Lord.